

## Human rights based approach to violation of minority rights in Sri Lanka

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### 人権法に基づく少数派の権利侵害へのアプローチ：スリランカを事例として

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#### 要 旨

本稿は民族間の対立や少数民族の人権侵害といった課題についてスリランカを事例に国際人権法による考察を行った。

スリランカではシンハラとタミルの間で民族間の対立が続き、少数民族の人権にも考慮した政策や包括的な社会の実現は困難となっている。さらにスリランカ社会では少数派であるムスリム人口を含み、宗教的対立も課題となっている。本稿は民族間や宗教間の対立を引き起こす歴史的背景についてまとめ、少数民族が直面する人権侵害について人権法の観点から分析し政策課題を明らかにする。本稿の結論ではスリランカ政府の政策や市民社会によるアプローチに関して提言を導き出すことを試みた。人権法の文書による分析の結果としては、民主主義の政治に基づきマイノリティ人口に政策決定のプロセスにより大きな影響力を持つための自治権を与えることを重要な政策の1つとした。また、市民社会においてもタミル族、シンハラ族、そしてムスリム派といった少数民族・宗教が対話の場を持つ必要がある。



**Table of Contents:**

Introduction

1. Context of Sri Lanka

2.1. Human Rights Obligations of Sri Lanka

2.2. Human Rights of Minority in Sri Lanka

2.3. Recommendations for human rights violations on Minorities in Sri Lanka.

3. Implementation: International and regional Human Rights Mechanism

Conclusion: Policy Proposal to Government and Civil Society

**Introduction**

There has been a long struggle of ethnic tension between Sinhala and Tamils in Sri Lanka. The United Nations Development Program notes that it is important to achieve the inclusive society which provides good governance to all the population including those of ethnic minorities<sup>1</sup>. However, the strategy to establish the inclusive society in Sri Lanka has yet to be achieved. In addition, it is not only Tamils but also Muslim population who suffers from the scourges of the past ethnic conflict. This paper attempts to address the rights of minorities. In conclusion, means to alleviate ethnic tensions are considered as policy proposals for government and for the civil society.

The first section of this essay provides the background of Sri Lankan politics and identifies the challenges that need to be addressed. The second part discusses the Sri Lanka's human rights obligations pertinent to minority rights and provides the analysis of minority rights issues. In the second section, observations and recommendations by human rights bodies are also considered. The third section deals with the ways to address the issues of minority rights in Sri Lanka with the international human rights mechanism. The section will be concluded with the possible policy proposals to the government and suggestions for the civil society.

**1. Context of Sri Lanka**

Sri Lanka has a long history of colonization. It has been occupied by Portuguese until Dutch got its stronghold in 1658. Since 1802 British ruled over Sri Lanka. The colonial rulers gave little heed to the ethnic, cultural, or linguistic diversity<sup>2</sup>. British colonial rulers gave preferential treatment to Tamils partly because they could put majority under control with the aid of minority<sup>3</sup>. This expedient strategy was practical means for British rulers to subjugate Sinhala majority population, however, it led to ethnic tension afterwards. British patronized Tamil minority to benefit their loyalty and services but left the colony in 1948 without providing means to alleviate the tension<sup>4</sup>.

The ethnic tension between Tamils and Sinhala majority population dates back to the demise of British colonial rule in 1948. Although Tamils enjoyed privileged position in government administrations under the British rule, minorities such as Tamils and Muslims were in need to defend their rights as the Sinhala majority started asserting hegemonic policies<sup>5</sup>. Most of rights that Tamil and other minorities need to defend are related to land and language policies which involved discriminatory

policies against the minority populations<sup>6</sup>. At the time when Sri Lanka gained independence, its population was consisted of majority Sinhala (70 %) and two other minorities, Tamils (15%) and Muslims (7%)<sup>7</sup>. However, with the Ceylon Citizenship Act, many Indian Tamils who were brought for working on tea plantations in the 1800s lost their citizenship and were deported to India<sup>8</sup>. Those Tamils in Sri Lanka became stateless due to the Act and were not allowed to get back their citizenship until 2003<sup>9</sup>. Another issue which affected minorities in Sri Lanka was language policy. The Sinhala Only Act which proposed the national language to be Sinhala without any provision for other languages<sup>10</sup>. Because of this policy, opportunities of government employment and education for Tamils and Muslims minorities were limited. With these discriminatory policies which deprived minority populations of citizenship including land rights and access to government positions, call for autonomous Tamil region in North and east part of Sri Lanka was raised with peaceful demonstrations<sup>11</sup>. The tension between Tamils and Sinhala became further worsened by the quota system for University entry which required Sinhala to have only 229 score compared to the requirement for Tamils was 250 out of 400<sup>12</sup>.

One reason that brought about the policies which marginalized minority populations in Sri Lankan society can be due to the fear of Sinhala majority against Tamil minorities. It is reported that the policies accommodating the Tamil's demand of political autonomy or more pluralist approach were rejected by Sinhala leaders because these policies may threaten their rights<sup>13</sup>. Nevertheless, as Keenan notes, Sinhala majority's failure to recognize the equal citizenship and rights led to minority populations especially Tamils to become more radical to demand for their own state, "Tamil Ealam."<sup>14</sup> As both Tamil's quest to their autonomous state and the government's counter act took the form of violence, there came to be the "vicious cycle of state and counter state violence" leading to complete warfare<sup>15</sup>. Against the Sinhala dominant policies and administrations, radicalized Tamils formed the military organizations LTTE and claimed separate state with violence. In addition, it was not only Tamils but Sinhala that turned to violence as anti Tamil riot came to arise<sup>16</sup>. Since July 1983 which is called as "Black July" as 3,000 Tamils were killed in the riot by Sinhala, the violent conflict between LTTE and the government force continued with Indian intervention which aided the government<sup>17</sup>.

It was until 2002 when Norwegian brokered ceasefire came in that LTTE agreed to make a truce by establishing a de facto state administered by Tamils<sup>18</sup>. The de facto state was successful in bringing back the sense of pride as Tamil after being treated like a second class citizen, however, the enjoyment of Tamil people's rights was fleeting<sup>19</sup>. Tamils are now facing ethnic discrimination such as requirement of police registration after the military defeat of the LTTE in 2008<sup>20</sup>. In addition to the discrimination against minorities in Sri Lanka, there is also the scourge of warfare that affects more badly minority population than majority Sinhala. Furthermore, due to the full scale war caused by the ethnic tension, Tamil civilians were internally displaced<sup>21</sup>. Muslim minority population, most of them living in the lowland of east and northwest, was also displaced<sup>22</sup>. As Tamil-Muslim relation deteriorated, it is reported that 15,000 Muslims in Jaffna were evicted in 1990 by LTTE which feared that those Muslims might align with Sinhala government<sup>23</sup>.

The present Sri Lankan society faces problems caused by the past conflict and there is a risk that the ethnic violence may happen again unless its cause is addressed with proper measures. Thus, discriminatory policies against minority population should be reconsidered and rights of Tamils and Muslim minorities need to be guaranteed as grievance and suffering of minority population could trigger conflicts.

## 2.1. Human Rights Obligations of Sri Lanka

Sri Lanka is a state party to the main UN human rights Conventions including: the ICCPR, the ICESCR, the International Convention of All forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Child and its Optional Protocol on the involvement of Children in Armed Conflict, and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Among these Conventions that Sri Lanka has ratified, the ICCPR, the ICESCR, and the CERD are especially relevant to the minority rights of non-discrimination regarding equality and the participation to the public life. As Sri Lanka ratified these Conventions, it has obligations to protect minorities from discrimination and promote participation of minorities in political policy making.

As to the non-discrimination rights, the article 2 (1) of ICCPR and article 2 (2) of ICESCR have relevant provisions. The ICCPR article 2 (1) notes that a state party has responsibility to “respect and ensure to all individuals” within its territory the rights of civil and political area “without distinction of any kind, such as race, colour, sex, language, and religion, political or other opinion, national or social origin, property, birth or other status.”<sup>24</sup> The prohibition of discrimination on such ground as race and religion are also defined in the article 26 of ICCPR and article 2 (2) of ICESCR<sup>25</sup>. Moreover, ICCPR article 25 provides the provision of equality. It says that citizens shall have rights and opportunity to participate in public affairs, to have right to voting, and access to public services<sup>26</sup>. According to these articles of the ICCPR and ICESCR, Sri Lanka has obligation not to enforce discriminatory policy that prefers one majority population over the other minorities but to promote equal treatment.

In addition, Sri Lanka is obliged to protect identity of minorities as it is a party to ICCPR. The article 27 of ICCPR read “In these States in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language<sup>27</sup>.” Article 27 of ICCPR can be interpreted as collective rights allowing all individuals who belong to the minority group to be protected by this provision<sup>28</sup>. Moreover, the negative prohibition that binds states not to suppress cultural, religious, and linguistic practice of minorities can be understood as positive right<sup>29</sup>. Ghai argues that states have responsibility to ensure article 27 is not violated by implementing legislations and measures for granting autonomy rights to minority populations<sup>30</sup>. With the treaty based human rights system, Sri Lanka has obligation to protect the human rights related to minorities, non-discrimination, equality, and the protection of minority’s identity. Having identified Sri Lanka’s obligation to protect human rights by the international instrument of human rights such as Conventions, the following examines the human rights violation that minority population in Sri Lanka, mainly Tamils, face with the relevant jurisprudence.

## 2.2. Human Rights of Minority in Sri Lanka

Sri Lanka is multi-ethnic society which is consisted of majority Sinhala and minorities, Tamils and Muslims. Within Tamils, there are two groups: those who originate in Sri Lanka and descendants of Indians brought by British colonial rule to work at tea plantations. Sri Lanka has not only ethnic minorities but also religious minority population as there are Muslims. Minority population in Sri Lanka faces violation of human rights such as discrimination and inequality in justice and public service, discrimination, inequality in the justice and public service, and freedom of religion.

First, the enjoyment of social, economic, and cultural rights as well as civil and political rights of Tamils are hindered by the discrimination against them. The discrimination against Tamils is felt in the employment and education. It is noted that the system of ethnic recruitment quota are not fully implemented and minority groups are likely to be discriminated against in the employment opportunity<sup>31</sup>. As for education, the CRC raises a concern that children of ethnic and religious minority groups are vulnerable to persisting societal discrimination against them<sup>32</sup>. At CERD meeting, Mr. Thornberry also notes that Sri Lanka's education system reinforces stereotypes of ethnic communities<sup>33</sup>. Poor qualities of teaching and religious imbalance were also pointed out in the meeting. Moreover, Indian Tamils who also are discriminated face loss of citizenship and threat of repatriation<sup>34</sup>. As it is reported that discrimination against minorities especially Tamils are felt in various field such as employment, education, and housing<sup>35</sup>, the problem of discrimination is persistent in Sri Lankan society.

Second, inequality in the access to public service and judicial system are concern for minority populations in Sri Lanka. Access to proper judiciary system for minorities is affected by language policy in practice. 1978 Constitution stipulates both Sinhala and Tamil as official language; nevertheless, Tamils at court still face problems. Tamils who are tried against cases in particular in the north and east of Sri Lanka were required to sign statements written in Sinhala which they did not understand<sup>36</sup>. Another issue of inequality affecting rights of minorities is in judicial system. Provisions of state of emergency and the Prevention of Terrorism Act (PTA) are discriminatory as these are applied to mainly Tamils restricting their civil and political rights<sup>37</sup>. This policy of PTA allowed the state to ignore equality in judiciary and administrative procedures<sup>38</sup>. In fact, the working group on Arbitrary Detention notes that ethnic Tamils were detained without trials under the PTA provision<sup>39</sup>. The working group also notes these Tamils were forced, sometimes by torture, to sign an incriminatory statement which is against article 14 of ICCPR<sup>40</sup>.

Third, another human rights violation of minorities in Sri Lanka is about freedom of religion and exercise of civil and political rights. The religious tolerance is narrow in Sri Lanka as the importance is put on the majority population Sinhala's religion, Buddhism. The constitution of Sri Lanka, according to the report by Special Rapporteur, reads: the Constitution of "the Republic of Sri Lanka shall give Buddhism the foremost place and accordingly it shall be duty of the State to protect and foster the Buddha Sasana"<sup>41</sup>. Although the constitution provides freedom of religion, its article 15 specifies that freedom of religion, peaceful assembly, and association may be restricted "in the interest of religious harmony"<sup>42</sup>. Due to this provision of the Sri Lankan Constitution especially with regard to the article 15, religious tolerability is not fully granted. Buddhism is the religion of majority Sinhala population, but there are other religions, Hindu for Tamils and Islam for Muslims. The religious tensions are reported by Special Rapporteur<sup>43</sup> and the government's appropriate reaction has been absent<sup>44</sup>.

In addition to intolerance of religious freedom, there has been human rights violation initiated by conflicts. Civil and political rights have been also severely restricted due to the extrajudicial executions committed by both the government and the Liberation Tiger of Tamil Eelam (LTTE). The problem was that many Tamils and Muslim civilians were killed or faced death threat by executing their rights to freedom of expression, movement, association, and participation in public affairs that can be recognized as not supportive by either government or LTTE<sup>45</sup>. As noted by the Special Rapporteur, these political killings which affected minority civilians has not been investigated effectively<sup>46</sup>. Along with the PTA that justifies arbitrary detentions and arrest of minorities especially Tamils, the problem of political killing should be rectified with appropriate measures. These human rights violations affecting minorities in Sri Lanka, discrimination, unequal treatment in judiciary and public service, and restricted civil and political rights, call for remedies taken by government in order that peace and security can be brought to Sri Lanka for truly fruitful development.

### 2.3. Recommendations for human rights violations on Minorities in Sri Lanka.

With regard to issues related to human rights of minorities in Sri Lanka, UN human rights mechanisms such as treaty bodies and Human Rights Council's Special Rapporteur present possible measures for those minority populations. This section looks at these concluding observations and reports by Special Rapporteur which have relevance to discrimination, inequality, and violation of civil and political rights of minorities in Sri Lanka. First, the problem of discrimination against minority groups in Sri Lanka involves citizenship rights of Indian Tamils and disadvantages on the minorities in such areas as employment, housing, and education. As to Indian Tamil's rights to citizenship with enjoyment of their economic social and cultural rights, concluding observations made by CERD in 2001 proposes that "early and effective measure" should be taken and those Indian Tamils should not be threatened by fear of repatriation<sup>47</sup>. Concern on citizenship of Indian Tamils and their human rights violation was also raised in later years by the committee on Economic Social and Cultural Rights. The committee notes 2003 Grant of Citizenship to Persons of Indian Origin Act has not been effectively implemented and the Indian Tamils are waiting to have their citizenship<sup>48</sup>. The committee in the concluding observation requires the state to report as to measures taken to ensure Indian Tamils are not facing discrimination and have decent standard of living<sup>49</sup>. The state is also called on to annul the Citizenship Act of 1948 which deprived Indian Tamils of citizenship and to speed up the process of granting them the rights as Sri Lankan citizen<sup>50</sup>.

Other issues of discrimination related to housing, employment, and education against minorities are also addressed by the UN human rights bodies. Discrimination against minority group is addressed by Committee on Social Economic and Cultural Rights which notes that policies and relevant measures are to be implemented to combat racial discrimination in employment<sup>51</sup>. Furthermore, CERD refers to Sri Lanka's obligation to investigate human rights violations of racial discrimination and bring those responsible to justice<sup>52</sup>. Housing and economic development are also the area which marginalized populations such as minorities are likely to be disadvantaged or face discrimination. The concluding observations of Committee on Economic Social and Cultural Rights notes that poverty reduction strategies and plan of action to address acute housing shortage should take consideration of the needs of disadvantaged and marginalized individuals and groups<sup>53</sup>.

Children of Tamil origin especially those living in tea plantation areas and Muslim religious minorities are exposed to persistent discrimination against them. The Committee on the Rights of Child (CRC) urges that Sri Lanka should monitor the situation that those minority children face in order to develop the strategies such as affirmative social actions eliminating discrimination<sup>54</sup>. The committee also requires the state to implement awareness raising programs that mobilize communities and government members against discrimination<sup>55</sup>. Education program and measures against discrimination are also called for by the CRC. The committee requires the state to take account of the general comment No.1 on article 29 (1) of the Convention of the Rights of the Child<sup>56</sup>. The general comments reads education which promotes respects for differences is "reliable and enduring antidote" to all forms of discrimination<sup>57</sup>.

Second, unequal treatment against Tamils and other minorities draws recommendations not only from human rights treaty bodies but also from Special Rapporteurs. As for the lack of access to police service, the Special Rapporteur on Summary or Arbitrary Executions notes that Sri Lankan government should take financial and other incentives to recruit Tamil speaking police officers especially in north and east region<sup>58</sup>. The state of emergency measure and PTA regulations has been addressed by CERD in 2001 and Committee on Economic Social and Cultural Rights in 2010. While CERD required the government to provide information as to these regulations affecting almost exclusively minority groups<sup>59</sup>, Concluding observation issued by

Committee on Economic Social and Cultural Rights uses stronger expression. The committee “urges the state party to consider repealing all remaining emergency regulations which jeopardize the realization of economic, social, and cultural rights<sup>60</sup>.” This suggests that state of emergency regulation and PTA policy is persistent and minorities especially Tamils has been facing restriction of their human rights.

Third, recommendations on religious intolerance in the Sri Lankan society have been made by Special Rapporteur on Freedom of Religion or Belief. The Rapporteur presented the following recommendations: (a) investigation against violence or religious intolerance against religious minorities, (b) protection of Muslim minorities, (c) consultation with civil society and religious communities to establish an inter-religious body that alleviate the tension<sup>61</sup>. Since religions of minority groups, Hindu Tamils and Muslim population, are likely to be restricted due to the Sri Lankan Constitution article 15<sup>62</sup>, these recommendation could improve right of the minorities to freedom of religion if taken seriously by the government. These recommendations and concluding observations made by Special Rapporteurs and Human Rights treaty bodies address human rights violations related to minority populations in Sri Lanka, however, the effectiveness depends on how it can be implemented and monitored by international and regional human rights mechanism. The next section discusses the implementation of these recommendations.

### 3. Implementation: International and regional Human Rights Mechanism

With the international human rights mechanism, constructive dialogue to government can be its strong point. Rehman notes office of High Commissioner for Human Rights has been influential in the improvement of state’s commitment to human rights record<sup>63</sup>. The office of High Commissioner also plays a vital role in encouraging dialogue between states which can lead to improvement of international protection for rights of minorities as the inter-state dialogue can construct and promote such policies as non-discrimination<sup>64</sup>. Moreover, human rights treaties and its treaty based human rights bodies also contribute to developing the protection of and improving its provision of the international law. As the human rights treaties bound the states to respect human rights specified in the provision of the articles of conventions, the human rights treaty based approach can also help improving the situation of minority’s rights. Among these human rights instruments, article 27 of ICCPR can be the prominent example which has relevance to minority rights. The case of *Lovelace vs Canada* was brought to human rights Committee in 1983. Musgrave notes that Canadian Indian women Lovelace petitioned Human Rights Committee against Canadian Indian Act which denied her rights to live on reservation using her own language in her cultural community<sup>65</sup>. The Committee held that the Act is contradictive of the article 27 of ICCPR which Canada is a state party and Canada amended the Act so that it satisfies the international obligation<sup>66</sup>. Hence, international human rights mechanism such as office of High Commissioner of Human Rights and human rights treaty bodies can be measures to improve and promote the protection of minorities in the international law.

In addition, it should also be noted that the Minorities Forum is convened by Human Rights Council. The Forum was previously the United Nations Working Groups on Minorities and Indigenous Populations. The working Group was important forum to promote information sharing and international standard setting<sup>67</sup>. After the Working Group became renamed as Minorities Forum with the establishment of Human Rights Council, it has been important for promoting the rights of minorities. Its distinctiveness lie in the participation of NGOs and minorities to the Forum which provides dialogue with governments<sup>68</sup>. The mandate of the Forum is to promote dialogue and cooperation on minority issues and implementation of



UN Declaration on Minorities<sup>69</sup>. As noted by Boyle, this forum is important part of minority protection in the UN human rights system as it gives the chance for minorities themselves to have their voice heard in the international stage<sup>70</sup>.

As Rehman regrets for the absence of regional human rights body in Asia<sup>71</sup>, there is no human rights mechanism in the Asian region. Nevertheless, there is one positive movement for minority issue in Sri Lanka because the National Human Rights Commission was established in 1997. The commission is aimed at investigating, settling human rights complains, and advising the government to formulate legislations on human rights issues<sup>72</sup>. The Human Rights Commission of Sri Lanka received 16 complaints of disappearance in the north of the country<sup>73</sup>. The establishment of the Commission is government's effort to strengthen the protection of human rights for minorities<sup>74</sup>. It can be expected that the human rights violations such as discrimination in employment and education that minorities face day to day can be addressed with the human rights commission. Hence, the commission would make positive contribution to improving the situation. With possible mechanism to address issues related to human rights of minorities are discussed so far, the following sections consider possible policy that can be proposed to the Sri Lankan government and other actors in the civil society.

## Conclusion: Policy Proposal to Government and Civil Society

Minorities in Sri Lanka mainly Tamils and Muslims face numerous oppressions on their human rights such as discrimination, inequality, and the denial of the civil and political rights. The grievances of minorities especially Tamils led to radical movement, LTTE, involving violence and long lasting conflict. In order to bring peace and security which promote social development, Sri Lankan government should properly address the issues of minority rights. One of the means is to grant autonomous power to minorities so they can participate in political activities and enjoy their economic, social, and cultural rights. As oppression of minorities leads to violent conflict, ensuring public participation and enjoyment of human rights for minorities in the society is essential for social peace and stability<sup>75</sup>.

To establish a society in which not only majority population but also minorities can participate in decision making and diversity is guaranteed, democratic governance can be the integral part<sup>76</sup>. International human rights law has a provision of democratic governance. The article 25 of ICCPR notes every citizen has a right to participate in public affairs and to vote at elections<sup>77</sup>. The article 21 in UNDHR also says that “the will of the people shall be the basis of the authority of government.”<sup>78</sup> Crawford terms the article 25 of ICCPR and article 21 of UDHR as basic democratic idea because these two articles reflect the idea that every person both majority and minority members has a right to participate in public life and influence on the decision making<sup>79</sup>.

With the democratic governance, right to more autonomous power can be granted minority population. It is not the Asian region, however, the Organization for Security and Co-operation in Europe (OSCE) offers a useful case study on minority's autonomous rights. The idea of the decentralization of governments that could give minorities influence to decide their own affairs is said to be the principle agreed by the participating states at the conference on the Human Dimension of the OSCE held in 1990 at Copenhagen<sup>80</sup>. The Copenhagen Document notes on effective participation by minorities on affairs relating to protection and promotion of their identities. It also mentioned state's responsibility to protect ethnic, cultural, linguistic, and religious identities by establishing “local or autonomous administrations<sup>81</sup>.” It is argued that “autonomous administration” can imply the territorial autonomy given to the minority<sup>82</sup>. Thus, considering the idea of government and provision of Copenhagen Document, participation in decision making process is to be endured so that minority population can influence especially on



issues related to their rights.

Furthermore, Lund Recommendation on the Effective Participation of National Minorities in Public Life adopted in 1999 also promotes the minority's autonomy rights and participation in society. The Recommendation notes that fundamental means to grant minorities the right to participation in society and to establish good governance is to (1) have minority's voice and interest heard and (2) ensure control over the issues related to minority's concern<sup>83</sup>. There is a case that minority population obtained territorial autonomy. It is reported that Crimean minority obtained territory within Ukraine in which they can have autonomous power<sup>84</sup>. This case is in Europe, nevertheless, idea of decentralization of government and granting more autonomous power to minorities can be effective solution for minority issue in Sri Lanka as well. As it is reported that de facto state administered by Tamils which lasted only six years brought development and helped recovering identity of Tamil people<sup>85</sup>, the administrative control by Tamils could alleviate the cause of conflict and promote peace as well as social development. Inclusion of minority's interest into social policies and protection of minority's identity can combat the root cause of conflict and lead to more stable society.

However, it is not only government's attempt but also civil society which is necessary for addressing minority rights and building democratic governance. The influence of civil society in promoting democratic governance and human rights has been kept so little in Sri Lanka because of the fear of persecution by either LTTE or the state which restrict such rights as freedom of expression of people<sup>86</sup>. The role of civil society to improve issue of minority has been diminished due to the violence committed by both LTTE and the government, but the lack of common ground among all the parties concerned is also severe obstacle. For instance, Keenan notes concept of peace is quite diverse among Tamils, Sinhala, and Muslims<sup>87</sup>. Peace means gain of political rights for Tamils, on the other hand, Sinhala people are hesitant to have the change which could improve Tamil people's rights. Muslims wish peace to be the chance for them to get security back and no longer abused by Tamil and Sinhala claim to nationalism<sup>88</sup>. This divergence among the ethnic communities has been the difficulty for Sri Lankan civil society to approach to government and LTTE bringing their will to construct democratic society which can address rights of minorities.

In order to build a common ground among these different ethnic communities in Sri Lanka, space for dialogue between Tamils, Sinhala, and Muslims is necessary. What can be particularly effective is to establish democratic conception of human rights as a common ground for all these ethnic groups as it could help human rights activists of different ethnic as well as political identification to bring strong criticism on LTTE and government<sup>89</sup>. Thus, it can be suggested that inter-ethnic organization that coordinate different ideas among the ethnic communities should be established. This approach could not only strengthen the influence of civil society but also alleviate the hatred among ethnic groups bringing security and peace back again.

## Notes

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- 34 ibid para 43
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- 38 CERD A/56/18 para 332
- 39 CERD/C/SR.1478 para 53
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- 43 ibid para 28
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- 47 ibid
- 48 A/56/18 para 334
- 49 E/C.12/LKA/CO/2-4 para 13
- 50 ibid
- 51 ibid
- 52 E/C.12/1/Add/24 para 25
- 53 A/56/18 para 336
- 54 E/C.12/LKA/CO/2-4
- 55 CRC/C/LKA/CO/3-4 para 28-29
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- 57 CRC/C/15/Add.207 para 27
- 58 CRC/GC/2001/1 para 11
- 59 E/CN.4/2006/53/Add.5 para 78
- 60 A/56/18 para 338
- 61 E/C.12/LKA/CO/2-4 para 7
- 62 E/CN.4/2006/5/Add.3 para 125, 126, 128
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- 64 ibid
- 65 Musgrave.1997. Self Determination and National Minorities. p.138
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- 67 Rehman
- 68 Boyle. 2009. "The United Nations Human Rights Council: Origins, Antecedents, and Prospects" in Boyle New Institutions for Human Rights Protection p 39
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